

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROMEO COSCIA	:	
Plaintiff	:	CIVIL ACTION
v.	:	NO. 02-3655 (JRP)
SALVATORE CAPONE	:	
Defendant	:	

DEFENDANT'S RESPONSE TO
PLAINTIFF'S REPLY MEMORANDUM
REGARDING MOTION FOR EXTENSION OF DISCOVERY

Plaintiff, Romeo Coscia, has filed a Reply Memorandum in support of his Motion for Extension of Discovery. In it, he presents a new translation of a letter upon which he previously relied. He also includes a translation of the Petition to the Italian Court. This document raises more questions than it answers.

Although the present case involves a single alleged loan of \$140,000.00, the Petition to the Italian Court also seeks discovery of information concerning an additional alleged payment of Two Hundred Million Lira, with regard to which "Romeo Coscia intends to file another civil action..." That discovery has nothing to do with this case, and necessarily fails to provide

justification for the discovery sought.

The information provided in support of this proposed discovery consists of unsworn information provided by counsel. At the arbitration hearing, when Mr. Coscia himself had the opportunity to deny defendant Capone's testimony under oath, he chose not to do so.

The Petition to the Italian Court also asserts that:

"Said Romeo Coscia, as a result of the accusations made against him by the Capone brothers, is facing a harsh sentence in an American court of criminal justice and for this reason is in very urgent need of providing evidence proving his innocence which only documentation on the banking activity indicated above can ensure."
[emphasis in the original]

The only criminal sentence of which defendant Capone is aware plaintiff Coscia faces is as a result of his guilty plea to one count of violating the Mann Act in Ohio. He does not understand what impact the defense in this case has on that sentence. Perhaps, there is another undisclosed criminal proceeding, but there is no way to know what that is.

Finally, defendant notes that plaintiff has failed to make any response to the argument that his proposed Order reopens discovery generally, and is in no way limited to the discovery that is the subject matter of the Petition.

For these reasons, and the reasons set forth in

defendant's original Memorandum of Law, plaintiff's Motion for Extension of Discovery should be denied.

Respectfully submitted,

VANGROSSI & RECCHUITI

BY:

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am, this day, serving a copy of the foregoing Defendant's Response to Plaintiff's Reply Memorandum Regarding Motion for Extension of Discovery upon Joseph M. Armstrong, Esquire, attorney for plaintiff, Romeo Coscia, by First Class Mail, postage prepaid, as follows:

Joseph M. Armstrong, Esquire
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FRANCIS RECCHUITI

DATE: January 3, 2003